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FOLLOWING:

# COMBINED DECLARATION AND POWER OF ATTORNEY FOR PATENT AND DESIGN APPLICATIONS

ATTORNEY DOCKET NO.

1380-12aP

Insert Title

Check Box If  
Appropriate —  
For Use Without  
Specification  
Attached

As a below named inventor, I hereby declare that: my residence post office address and citizenship are as stated next to my name; that I verily believe that I am the original, first and sole inventor (if only one inventor is named below) or a joint inventor (if plural inventors are named below) of the subject matter which is claimed and for which a patent is sought on the invention entitled: \* EXPRESSION SYSTEM IN MICROORGANISM AND ITS USE FOR  
EXPRESSING HETEROLOGOUS AND HOMOLOGOUS PROTEINS

the specification of which is attached hereto unless one of the following boxes is checked:

- ☐ The Specification was filed on \_\_\_\_\_ and was assigned  
Serial No. \_\_\_\_\_ and was amended on \_\_\_\_\_  
☒ was filed as PCT international application number PCT/NO96/00266 on  
13 November 1996 and was amended under PCT Article 19 on \_\_\_\_\_  
(if applicable).

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information material to patentability as defined in Title 37, Code of Federal Regulations, §1.56.

I do not know and do not believe the same was ever known or used in the United States of America before my or our invention thereof, or patented or described in any printed publication in any country before my or our invention thereof, or more than one year prior to this application, that the same was not in public use or on sale in the United States of America more than one year prior to this application, that the invention has not been patented or made the subject of an inventor's certificate issued before the date of this application in any country foreign to the United States of America on an application filed by me or my legal representatives or assigns more than twelve months (six months for designs) prior to this application, and that no application for patent or inventor's certificate on this invention has been filed in any country foreign to the United States of America prior to this application by me or my legal representatives or assigns, except as follows:

I hereby claim foreign priority benefits under Title 35, United States Code, §119 of any foreign application(s) for patent or inventor's certificate listed below:

| Prior Foreign Application(s)                       | Priority Claimed  |
|--|---|
| <u>95 4575</u><br>(Number)                         | <u>Norway</u><br>(Country)  |
| <u>November 13, 1995</u><br>(Month/Day/Year Filed) | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
| _____<br>(Number)                                  | _____<br>(Country)  |
| _____<br>(Month/Day/Year Filed)                    | <input type="checkbox"/> Yes <input type="checkbox"/> No            |
| _____<br>(Number)                                  | _____<br>(Country)  |
| _____<br>(Month/Day/Year Filed)                    | <input type="checkbox"/> Yes <input type="checkbox"/> No            |
| _____<br>(Number)                                  | _____<br>(Country)  |
| _____<br>(Month/Day/Year Filed)                    | <input type="checkbox"/> Yes <input type="checkbox"/> No            |
| _____<br>(Number)                                  | _____<br>(Country)  |
| _____<br>(Month/Day/Year Filed)                    | <input type="checkbox"/> Yes <input type="checkbox"/> No            |

All Foreign Applications, if any, for any Patent or Inventor's Certificate Filed More Than 12 Months (6 Months for Designs) Prior To The Filing Date of This Application:

| Country | Application No. | Date of Filing (Month/Day/Year) |
|---------|-----------------|---------------------------------|
| _____   | _____           | _____                           |
| _____   | _____           | _____                           |

I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, §1.56 which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

| (Application Serial No.) | (Filing Date) | (Status — patented, pending, abandoned) |
|--------------------------|---------------|---|
| _____                    | _____         | _____                                   |
| (Application Serial No.) | (Filing Date) | (Status — patented, pending, abandoned) |
| _____                    | _____         | _____                                   |

I hereby appoint the following attorneys to prosecute this application and/or an international application based on this application and to transact all business in the Patent and Trademark Office connected therewith and in connection with the resulting patent based on instructions received from the entity who first sent the application papers to the attorneys identified below, unless the inventor(s) or assignee provides said attorneys with a written notice to the contrary:

RAYMOND C. STEWART (Reg. No. 21,066)  
 JOSEPH A. KOLASCH (Reg. No. 22,463)  
 JAMES M. SLATTERY (Reg. No. 28,380)  
 DONALD C. KOLASCH (Reg. No. 23,038)  
 CHARLES GORENSTEIN (Reg. No. 29,271)  
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 MARC S. WEINER (Reg. No. 32,181)

TERRELL C. BIRCH (Reg. No. 19,382)  
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 MICHAEL K. MUTTER (Reg. No. 29,680)  
 GERALD M. MURPHY, JR. (Reg. No. 28,977)  
 TERRY L. CLARK (Reg. No. 32,644)  
 ANDREW D. MEIKLE (Reg. No. 32,868)

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Send Correspondence to: **BIRCH, STEWART, KOLASCH AND BIRCH**

**P.O. Box 747**

**Falls Church, Virginia 22040-0747**

**Telephone: (703) 205-8000**

**Facsimile: (703) 205-8050**

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full Name of First or Sole Inventor:

Insert Name of Inventor  
 Insert Date This Document is Signed

Insert Residence  
 Insert Citizenship

Insert Post Office Address

Full Name of Second Inventor, if any:

see above  
 200

Full Name of Third Inventor, if any:

see above  
 300

Full Name of Fourth Inventor, if any:

see above

Full Name of Fifth Inventor, if any:

see above

\*Note: Must be completed  
 — date this document is  
 signed.

|   |  |             |  |                      |  |             |  |
|---|--|-------------|--|----------------------|--|-------------|--|
| GIVEN NAME  |  | FAMILY NAME |  | INVENTOR'S SIGNATURE |  | DATE        |  |
| Vincent G. H.   |  | Eijsink     |  |                      |  | 21.05.98    |  |
| RESIDENCE (City, State & Country)   |  |             |  |                      |  | CITIZENSHIP |  |
| Ås, Norway NOX  |  |             |  |                      |  | Norwegian   |  |
| POST OFFICE ADDRESS (Complete Street Address including City, State & Country) |  |             |  |                      |  |             |  |
| Måltrostveien 52B, N-1430 ÅS NORWAY   |  |             |  |                      |  |             |  |
| GIVEN NAME  |  | FAMILY NAME |  | INVENTOR'S SIGNATURE |  | DATE        |  |
| Ingolf F.   |  | Nes         |  |                      |  | May 20, '98 |  |
| RESIDENCE (City, State & Country)   |  |             |  |                      |  | CITIZENSHIP |  |
| Ås, Norway NOX  |  |             |  |                      |  | Norwegian   |  |
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| Bjørkeveien 3, N-1430 ÅS NORWAY   |  |             |  |                      |  |             |  |
| GIVEN NAME  |  | FAMILY NAME |  | INVENTOR'S SIGNATURE |  | DATE        |  |
| May B.  |  | Brurberg    |  |                      |  | May 22, 98  |  |
| RESIDENCE (City, State & Country)   |  |             |  |                      |  | CITIZENSHIP |  |
| Ås, Norway NOX  |  |             |  |                      |  | Norwegian   |  |
| POST OFFICE ADDRESS (Complete Street Address including City, State & Country) |  |             |  |                      |  |             |  |
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|   |  |             |  |                      |  |             |  |
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|   |  |             |  |                      |  |             |  |
| GIVEN NAME  |  | FAMILY NAME |  | INVENTOR'S SIGNATURE |  | DATE        |  |
|   |  |             |  |                      |  |             |  |
| RESIDENCE (City, State & Country)   |  |             |  |                      |  | CITIZENSHIP |  |
|   |  |             |  |                      |  |             |  |
| POST OFFICE ADDRESS (Complete Street Address including City, State & Country) |  |             |  |                      |  |             |  |
|   |  |             |  |                      |  |             |  |

Applicant or Patentee: Vincent G. H. EIJSINK et al. Attorney's  
Serial or Patent No.: 09/068,507 Pocket No.: 1380-122P  
Filed or Issued: Filed May 15, 1998  
For: EXPRESSION SYSTEM IN MICROORGANISM AND ITS USE FOR EXPRESSING  
HETEROLOGOUS AND HOMOLOGOUS PROTEINS

VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY  
STATUS (37 CFR 1.9(f) and 1.27 (b)) — INDEPENDENT INVENTOR

As a below named inventor, I hereby declare that I qualify as an independent inventor as defined in 37 CFR 1.9(c) for purposes of paying reduced fees under section 41(a) and (b) of Title 35, United States Code, to the Patent and Trademark Office with regard to the invention entitled EXPRESSION SYSTEM IN MICROORGANISM AND ITS USE FOR EXPRESSING HETEROLOGOUS described in:

- ( ) the specification filed herewith  
(X) application serial no. 09/068,507, filed May 15, 1998  
( ) patent no. \_\_\_\_\_, issued \_\_\_\_\_

I have not assigned, granted, conveyed, or licensed and am under no obligation under contract or law to assign, grant, convey or license, any rights in the invention to any person who could not be classified as an independent inventor under 37 CFR 1.9(c) if that person had made the invention, or to any concern which would not qualify as a small business concern under 37 CFR 1.9(d) or a nonprofit organization under 37 CFR 1.9(e).

Each person, concern or organization to which I have assigned, granted, conveyed, or licensed or am under an obligation under contract or law to assign, grant, convey, or license any rights in the invention is listed below:

- (X) no such person, concern, or organization  
( ) persons, concerns or organizations listed below\*

\*NOTE: Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 CFR 1.27)

FULL NAME \_\_\_\_\_

ADDRESS \_\_\_\_\_

( ) INDIVIDUAL ( ) SMALL BUSINESS CONCERN ( ) NONPROFIT ORGANIZATION

FULL NAME \_\_\_\_\_

ADDRESS \_\_\_\_\_

( ) INDIVIDUAL ( ) SMALL BUSINESS CONCERN ( ) NONPROFIT ORGANIZATION

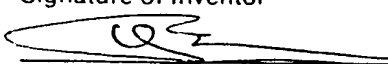
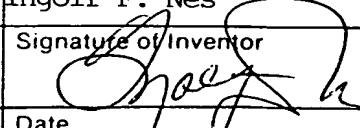
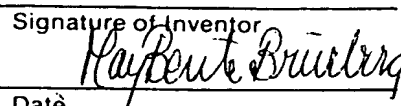
FULL NAME \_\_\_\_\_

ADDRESS \_\_\_\_\_

( ) INDIVIDUAL ( ) SMALL BUSINESS CONCERN ( ) NONPROFIT ORGANIZATION

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b))

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

| NAME OF INVENTOR   | NAME OF INVENTOR   | NAME OF INVENTOR  |
|--|--|---|
| Vincent G. H. Eijsink  | Ingolf F. Nes  | May B. Brurberg   |
| Signature of Inventor<br> | Signature of Inventor<br> | Signature of Inventor<br> |
| Date<br><u>21.05.98</u>  | Date<br><u>May 20, 1998</u>  | Date<br><u>May 22, 1998</u>   |

Applicant or Patentee: Vincent G. H. EIJSINK et al. Attorney's  
Serial or Patent No.: 09/068,507 Pocket No.: 1380-122P  
Filed or Issued: Filed May 15, 1998  
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( ) patent no. \_\_\_\_\_, issued \_\_\_\_\_

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Each person, concern or organization to which I have assigned, granted, conveyed, or licensed or am under an obligation under contract or law to assign, grant, convey, or license any rights in the invention is listed below:

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ADDRESS \_\_\_\_\_

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FULL NAME \_\_\_\_\_

ADDRESS \_\_\_\_\_

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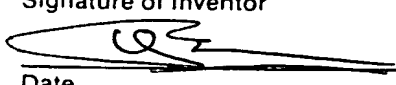
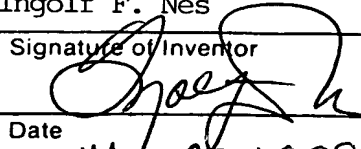
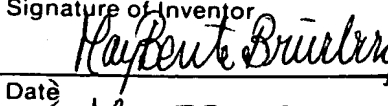
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| NAME OF INVENTOR  | NAME OF INVENTOR  | NAME OF INVENTOR   |
|---|---|--|
| Vincent G. H. Eijsink   | Ingolf F. Nes   | May B. Brurberg  |
| Signature of Inventor   | Signature of Inventor   | Signature of Inventor  |
|  |  |  |
| Date  | Date  | Date   |
| 21.05.98  | May 20, 1998  | May 22, 1998   |